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of the Treaty of 1839. For the student of the international law question raised by the invasion of Belgium, this volume is negligible.

Professor de Visscher's is a book of a very different sort. The ablest book on the subject that has yet appeared (with perhaps the exception of Dr. Dernburg's), it is obviously the work of a trained lawyer and a skilled logician. The basis of Belgium's neutralization, the treaties of 1831 and 1839, is explained lucidly and accurately enough, with the very important exception that the author does not state, indeed inferentially denies (p. 70), that the Treaty of 1839 *failed* to "textually insert" the "garantissent" articles of 1831. The neutrality of Greece is treated with perhaps not absolute fairness. The German arguments of necessity (*notrecht*) and self-defense against France (*notwehr*) are effectually disposed of upon the facts; but the author is discreetly silent as to similar theories held by English writers at least as late as 1914. Professor de Visscher disposes of the Belgian-British-French intrigues as skilfully as is possible. As he accurately states, Germany was bound by the Hague Convention (5) of 1907 on the morning of August 4, 1914, when Belgium was invaded, since it was not at war with a non-contracting power until 11 P. M. of the same day. A narrow gap of time, but a sufficient one. There can be no question that the Germany of to-day is a party to the treaties of 1831 and 1839; the question is, did these treaties, coupled with subsequent events, deprive Germany of the power to declare war against Belgium (as she did), and hence make the invasion of Belgium an invasion, not of a belligerent, but of a neutral? Only in that event can there have been a violation of the Hague Convention. This fact Professor de Visscher fails to realize adequately (see pp. 146 *et seq.*).

These are the defects most apparent in M. de Visscher's work. Frequent citations of American authorities are pleasant, as perhaps they were designed to be. The book is a reasonably fair as well as an able one, restrained throughout. It is a pity that some American writers upon the invasion of Belgium, ex-assistant attorneys-general and men of even higher ex-official rank, cannot learn both international law and moderation from this professor of Ghent.

RAEBURN GREEN.

HANDBOOK OF THE LAW OF PRIVATE CORPORATIONS. By William L. Clark, Jr. Third Edition by I. Maurice Wormser. St. Paul: West Publishing Co. 1916. (Hornbook series.) pp. xiii–803.

In 1897 Clark on Corporations was made part of the Hornbook series. The HARVARD LAW REVIEW (10 HARV. L. REV. 530) called Mr. Clark's work "above the average" in the student text field.

So great has been the development in Corporation Law since the work of Mr. Clark, that a new edition of the text became essential. Mr. Wormser of the New York Bar, and professor of law in Fordham University Law School (also author of Wormser's Cases on Corporations), undertook the task of revision and reconstruction. In fact he has had to completely revise the text throughout in order to bring it up to date — abreast with the authorities.

The "Hornbook" idea has been preserved in the topical arrangement of the subject matter. Ample notes, replete with authorities (including those reported in 1916), add greatly to the weight of the text.

Two chapters are distinctly valuable — VIII, The Corporation and the State; and XV, Foreign Corporations — showing the relation between Corporation Law and Constitutional Law and Conflicts respectively. The chapters on Membership, Liability on Contracts by Promoters, and Powers are praiseworthy.

Throughout Mr. Wormser is sound and accurate, possessing two virtues not too often attained by "handbook" authors. It is particularly pleasing to find a clear and accurate definition of the well-worn phrase *Ultra Vires*. Quot-

ing from the opinion of Depue, J., in *Camden & A. R. Co.* v. *May's Landing, etc. Co.*, 48 N. J. L. 530, 7 Atl. 523, he says of *Ultra Vires:* "In its legitimate use, the expression should be applied only to such acts as are beyond the powers of the corporation itself," and not loosely applied, as many courts often do, to mere excessive use of authority by the members, directors, or officers, or to acts which do not conform to charter requirements (pp. 202–04). It is such preciseness of thought and language that makes this work valuable to the student.

DALE M. PARKER.

INTERNATIONAL REALITIES. By Philip Marshall Brown. New York: Charles Scribner's Sons. 1917. pp. xvi, 233.

Says Professor Brown: "Since the Great War began I have been conscious with many others, of the urgent necessity of a thorough reconstruction of the law of nations in accordance with the big facts of international life. I have set myself the task of endeavoring to ascertain the fundamental values in international relations." What these big facts, these fundamental values, are, we never learn.

The function of international law, the author insists, is not to regulate war — such a conception is "essentially paradoxical and unsound." He then proceeds to explain (p. 3) that wars must be waged "with due respect to the rights of humanity," and that neutral interests must be protected. After spending several pages wondering whether international law is law, he finally decides that it is, apart from its status as municipal law, because the Supreme Court of the United States has said so (p. 20). This conception of the Supreme Court's power is most interesting. There is one great principle, ruled our first Chief Justice in a case too famous to be unknown to Professor Brown, "that all the members of a civil community are bound to each other by compact. The compact between the community and its members is, that the community will protect its members . . ."[1] Here is *Contrat Social* pure and simple, and by the Chief Justice of the United States; yet Professor Brown, in his chapter entitled "Nationalism," dismisses the Social Compact with a scant line, as the speculation of a theorist. Apparently he believes that a United States court can make one star to shine, but not another. The truth is, that no court of the United States has, or ever has had, jurisdiction to adjudicate any question of international law as such, much less to declare international law's validity as law.[2]

This chapter "Nationalism" contains elaboration at length of such profound truths as that "geographical location frequently has much to do with the formation of States." So also, "the existence of a common enemy has served . . . to foster a national community of interest." Professor Brown wholly fails to understand criticisms of nationalism; indeed, he makes no attempt to comprehend, but unhesitatingly distorts and condemns.

Arbitration Professor Brown would restrict to causes too trivial to quarrel over; every question of importance should be settled by diplomacy or by war. Arbitration, even by a super-national court, can settle nothing finally; while war, he says, can and does so settle. To Mr. Norman Angell is here (p. 75) attributed the curious statement that "there never was a good war or an *honorable* peace." Whenever Professor Brown desires to clinch his arguments against pacifism, he knocks down Mr. Angell for a "materialist," and quotes a new form of this statement — always inclosed in quotation marks, which Professor Brown apparently intends as a warning of more than usual inaccuracy.

[1] Trial of Isaac Williams, 2 Cranch *83 *a*; WHARTON, STATE TRIALS OF THE UNITED STATES, 652, 653.

[2] *Cf.* 2 WESTLAKE, INTERNATIONAL LAW, 2 ed., 317, 318.